



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

RESOLUTION AGREEMENT
Easthampton Public Schools
OCR Complaint No. 01-15-1189

The Easthampton Public Schools (District) has entered into this agreement to resolve the allegations in the above-referenced complaint prior to the completion of OCR's investigation, pursuant to Section 302 of OCR's *Case Processing Manual*. The District assures that it will take the following actions.

Action Item 1

By February 1, 2022, the District will develop a procedure (Parent/Guardian Communication Procedure) concerning translation of documents and interpretation services for communication with parents/guardians who are limited English proficient (LEP) or, at the District's discretion, the District will revise an existing procedure. The procedure will include, but not be limited to:

- a. A provision requiring the District, during initial student registration, to 1) inquire of all parents/guardians, in their native language or a language they can understand, whether they would like notices and information from their child's school and the District to be provided in a language other than English, and 2) record this information in all relevant student information files or folders and in any electronic student information system. This inquiry should be translated into languages that are common in the District and surrounding community so that that the inquiry is designed to reach parents/guardians in a language they are likely to understand. For LEP parents/guardians who speak languages that are less common in the District, the District may use a cover page explaining in those languages how a parent/guardian may receive translation of the inquiry form and should offer interpreters to ensure parents/guardians accurately report their language communication needs on the inquiry form. In addition, during initial student registration, the District shall also inquire whether parents/guardians require the student-parent handbook translated.
- b. A provision requiring the District to record (as described in 1(a)) the language needs of parents/guardians if language needs are identified at a time after initial student registration.
- c. A provision requiring the District to provide to all parents/guardians identified in 1(a) written translations of all notices or documents containing essential information (as defined in Item 1(e)) in a language that they can understand in a timely manner.

- d. A provision requiring the District to provide written or oral translations of information that is not deemed “essential information” upon receiving a reasonable, specific request for such information from LEP parents/guardians.
- e. A list of “essential information” that will be translated for LEP parents/guardians who have requested notices in a language other than English. This list shall include, but not be limited to:
 - i. Information about special education matters arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 (*e.g.*, Individualized Education Program (IEP) or 504 meetings);
 - ii. Report cards and other academic progress reports;
 - iii. Information about the disciplinary process;
 - iv. Requests for parent/guardian permission for student participation in District/school sponsored programs and activities;
 - v. Promotional materials and announcements distributed to students that contain information about school and District activities for which notice is needed to participate in such activities (*e.g.*, testing, activities requiring an application, parent-teacher conferences, open houses);
 - vi. student-parent handbooks, upon request (as indicated in Item 1(a) above);
 - vii. Documents concerning enrollment or registration;
 - viii. Documents concerning academic options and planning;
 - ix. Documents concerning screening procedures requesting a student’s language background and a parent’s/guardian’s preferred method of communication;
 - x. Information related to public health and safety; except that if there is an immediate health or safety emergency, the information may be initially provided in English with interpretation and/or translation to follow as soon as practicable; and
 - xi. Any other written information describing the rights and responsibilities of parents/guardians or students and the benefits and services available to parents/guardians and students.

- f. A provision requiring the District, when any District employee needs to communicate with an LEP parent/guardian regarding essential information, to communicate by means of a qualified interpreter or translator in a language that the parent/guardian understands in a timely manner.
- g. A provision requiring the District to develop a process to ensure interpreters or translators are qualified, which includes being trained on their role, the ethics of interpreting, and the need to maintain confidentiality. In addition, the process should also ensure that interpreters or translators have knowledge, in English and a language the parent/guardian can understand, of any specialized terms or concepts regarding the District program or activity for which they are providing services.
- h. A provision notifying District employees that the use of family members and friends for the provision of language assistance is generally not acceptable. The notice shall state that the use of such individuals may raise issues of confidentiality, privacy, or conflict of interest, and that, in many circumstances, such persons are not competent to provide quality, accurate interpretations.

Reporting Requirements

By February 1, 2022, the District will provide OCR with the District's procedure for OCR's review and approval.

- 1. Within 30 days of OCR's approval of the District's procedure, the District will submit documentation confirming that the procedure has been provided to parents/guardians and District personnel. Specifically, the District will provide proof that it has (a) posted the procedure on the District's website, and also (b) distributed the procedure to all parents/guardians and District employees.
- 2. Within 180 calendar days of OCR's approval, the District will submit to OCR documentation demonstrating adoption and implementation of all elements of the procedure, including but not limited to: copies of documents the District has translated; transmittal coversheets or emails forwarding the translated documents to LEP parents/guardians; records of parent/guardian requests for language assistance; and links to translated documents on the District's website.

Action Item 2

By September 19, 2022, the District will conduct training on the procedure developed in Action Item 1 for all of its administrators, teachers, team chairs, and any other District staff who are responsible for communicating essential information to parents/guardians. Such training shall also address and be consistent with Title VI.

Reporting Requirements

Within ten (10) days of the training in Action Item 2, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 2. This documentation will include but not be limited to: the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts guides, or other materials; sign-in sheets; and a list of the individuals who attended the training and their titles or positions.

Action Item 3

By September 19, 2022, the District will send a notice to all LEP parents/guardians of students with disabilities regarding their rights and procedural safeguards under Section 504, translated into languages that are common in the District and surrounding community. For LEP parents/guardians who speak languages that are less common in the District, the District may include a cover page explaining in those languages how a parent/guardian may receive translation of their rights and procedural safeguards under Section 504 and should offer interpreters. If language needs are identified at this time, the District will record those language needs.

Reporting Requirements

Within ten (10) days of sending the notice in Action Item 3, the District will provide OCR with a copy of the notice and documentation that it has been distributed to LEP parents/guardians of students with disabilities.

Action Item 4

If the Parent reenrolls the Student in the District by October 17, 2022 of the 2022-2023 school year, then, within ten (10) days of the Student's return to school:

- a. After providing proper written notice to the Student's Parent, the District shall convene a team meeting to determine whether compensatory services are appropriate for the Student in consideration of the District's acknowledged omission of ten (10) hours of Extended Year Services to the Student in XXXXXXXXXX XXXX, and if so, the type and amount of such services. The District will ensure that the team includes a group of persons who are knowledgeable about the Student and her disability, the meaning of the Student's evaluation data, and the placement options. The District will make reasonable efforts to include the Parent, and the District will provide the Parent with notice of the procedural safeguards in a language that the Parent can understand, including the right to challenge the team's determination through an impartial due process hearing.

Reporting Requirements

Within ten (10) days of the team meeting to determine whether compensatory services are appropriate, the District shall provide OCR with:

1. Any team meeting or other notes, including proper notice to Parent of team meeting, the names/titles of attendees, minutes of the meeting and, if applicable, an explanation of the District's method for determining the type and amount of compensatory services deemed appropriate for the Student; and
2. Documentation showing the Student received any compensatory services deemed appropriate by the team.

In the event that the Parent has not reenrolled the Student in the District by October 17, 2022, then the District will notify OCR within ten (10) days of this date and Action Item 4 will be deemed completed.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: _____/s_____ Date: _____
Allison LeClair, Superintendent